



U.S. Department of Commerce
National Oceanic and Atmospheric Administration



Agency

U.S. Environmental Protection

Mr. Jim Rue, Director
Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, Oregon 97301-2540

Mr. Dick Pedersen, Director
Department of Environmental Quality
811 SW 6th Ave.
Portland, Oregon 97204-1390

Dear Directors Rue and Peterson:

The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) are writing to inform you that we have found that Oregon has not submitted a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). Specifically, NOAA and EPA find that Oregon has not fully addressed the additional management measures for forestry condition set forth in the *Findings for the Oregon Coastal Nonpoint Program*, transmitted to the State on January 13, 1998. This letter transmits a copy of the decision document that explains why the Federal agencies have found that Oregon has not met this condition.

Oregon has made considerable progress to address many of the conditions placed on its Coastal Nonpoint Program (CNP). For example, since NOAA and EPA's proposed finding (December 20, 2013) that the State's CNP did not adequately address the on-site disposal and new development management measures, the State moved forward to fully address the gaps. However, Oregon has not yet fully addressed the additional management measures for forestry. Consequently, NOAA and EPA were not able to find that Oregon has met the condition related to additional management measures for forestry.

This decision was made after careful consideration of the public comments received on the Federal agencies' December 20, 2013 proposed decision, as well as review of Oregon's March 2014 program submission. NOAA and EPA will announce this decision in the Federal Register. We anticipate the announcement will be published shortly after January 30, 2015. You can also find a copy of this decision document and the response to comments on NOAA's website at <http://coast.noaa.gov/czm/pollutioncontrol/>.

Please note that while NOAA and EPA are only basing this decision on Oregon's failure to satisfy the additional management measures for forestry condition, there still remains a need, as with all states with conditional approvals, to complete the full assessment of Oregon's program with respect to all the other CZARA program requirements. While NOAA and EPA have over the years given Oregon "interim" approvals for many of the other CZARA management measures, the agencies noted each time that these were preliminary decisions pending public comment once a complete program submittal was available. If and when NOAA and EPA receive from Oregon a submittal that meets all CZARA requirements, then the public will be provided an opportunity to comment on the proposed decision to fully approve the State's entire CNP, as well as the rationale

for such a decision. At that point and after consideration of public comment, a final decision will be made on Oregon's entire CNP.

In addition, the CZARA statute calls for NOAA and EPA to apply financial penalties once a disapproval decision is made. These penalties attach to CZMA Section 306 funds and CWA Section 319 funds. The earliest such penalties could apply for Oregon is summer 2015 when current fiscal year funds are distributed. We remain hopeful that Oregon will continue to work towards achieving full approval of the CZARA CNP. The agencies will closely monitor the State's progress and are committed to working with Oregon towards an approvable CNP. Both NOAA and EPA stand ready to engage with the State in conversations to help achieve that goal.

NOAA and EPA recognize the challenges Oregon faces in developing a fully approvable CNP. We are committed to continuing to work with you and your staff to address the remaining conditions. If you have any questions regarding the agencies' decision, please contact Jeff Payne at 846-740-1207 or Dennis McLerran at 206-553-1234; or have your staff contact Joelle Gore (NOAA) at 301-563-1178, or Christine Psyk (EPA) at 206-553-1906.

Sincerely,

Jeff Payne, Acting Director
Office for Coastal Management
National Oceanic and Atmospheric
Administration

Dennis McLerran, Regional Administrator
Region 10
U.S. Environmental Protection Agency

Enclosure: NOAA/EPA Final Decision for the Oregon Coastal Nonpoint Plan

cc: Ms. Patty Snow, DLCD
Mr. Eugene Foster, DEQ
Mr. Peter Daugherty, Oregon DF